

August 20, 1942

Mr. Chas. U. Pickroll, Director  
Agricultural Extension Service  
University of Arizona  
Tucson, Arizona.

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Dear Sir:

We have your request of August 12, 1942 for our opinion upon the following statement of facts:

"Pursuant to Section 50-504, Arizona Code 1939, I have each year entered into an agreement with the U.S. Biological Survey of the Department of Agriculture, now The Fish and Wild Life Service, Department of Interior, for rodent control.

"In former years the Fish and Wild Life Service has provided a sum of money equal to that appropriated by the State of Arizona, the amount for this year being \$10,000. You will note in the attached copy of Notice of Renewal of Cooperative Agreement for the year 1942-1943 that the federal government is offering only \$8,000 for this work.

"The question in my mind is: Am I justified in entering into an agreement with this agency of the federal government for only \$8,000; and, if so, what is the status of the remaining \$2,000 appropriated for rodent control by the state legislature."

Section 50-504, A.C.A. 1939, provides:

"Sufficient money for the purpose of cooperating with the United States government in the destruction of predatory animals and rodents destructive to live stock and detrimental to crops, equaling the federal appropriation and expenditure for those purposes within the state, to be expended under the supervision and direction of the bureau of biological survey of the United States, pursuant to any cooperative agreement between the state live stock sanitary board, the extension service, University of Arizona, and the said bureau, shall be paid when approved by the biological assistant, or the predatory animal inspector in charge, out of any appropriation therefor as other claims are paid."

Subdivision 39 of Chapter 122, Laws of 1941, which is part of the general appropriation bill (H.B. 100) provides:

"Subdivision 39. RODENT CONTROL.

|                 | For the 30th<br>Fiscal Year | For the 31st<br>Fiscal Year |
|-----------------|-----------------------------|-----------------------------|
| "Salaries . . . | \$10,000.00                 | \$10,000.00                 |
|                 |                             | <u>\$20,000.00</u>          |

August 20, 1942.

"This appropriation is made subject to the condition, that at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Section 10-201, A.C.A. 1939, which is part of the State Financial Code, provides:

"When a general appropriation shall be made for the ordinary and contingent expenses of the state government, for the several offices, and other agencies, all balances, except the balances for roads, buildings and the university of Arizona, shall be discontinued at the close of the fiscal year next after the adjournment of the legislature, except the portion encumbered, and shall no longer be applicable to the purposes of the original appropriation. Each department head shall on the thirtieth day of June in each year, present to the governor and auditor a detailed report showing outstanding obligations contracted against any balance, payment of which must be made within ninety (90) days after the close of the fiscal year."

We are of the opinion that you may only spend a sum equal to that appropriated by the federal government for the purpose of Rodent Control and may enter into such agreement with the agency of the federal government charged with the expenditure of such fund equal to the amount so appropriated to such agency. The balance remaining in the State appropriation for said purpose "shall be discontinued at the close of the fiscal year next after the adjournment of the legislature." In that event the balance at the end of the 31st fiscal year which is June 30, 1943, shall revert to the general fund of the State.

Yours very truly,

JOE CONWAY  
Attorney General

ALBERT M. GARCIA,  
Assistant Attorney General

EARL ANDERSON  
Special Asst. Atty. Gen.